

## **EXHIBIT 5**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

STEVEN G. WICKS,  
GERALD A. KALBFLEISCH, and  
MICHAEL and MYRTLE HATHAWAY

Plaintiffs,

v.

PUTNAM INVESTMENT  
MANAGEMENT, LLC and  
PUTNAM RETAIL  
MANAGEMENT, LLP,

Defendants.

Civil Action No: 04-CV-10988

**PLAINTIFFS' MOTION TO FILE SECOND AMENDED COMPLAINT**

Plaintiffs Steven G. Wicks, Gerald A. Kalbfleisch, and Michael and Myrtle Hathaway, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, respectfully move the Court to allow the filing of the proposed Second Amended Complaint, a copy of which is attached hereto as Exhibit "A". This motion seeks only to add John J. Vaughn as plaintiff on behalf of certain mutual funds that were already included in the Plaintiffs' original Complaint. No new claims or defendants will be added, nor will the scheduling of the case be affected. This motion is being filed in a timely fashion and will not result in any prejudice to the Defendants.

As further grounds for this motion, Plaintiffs rely on the accompanying Memorandum of Law in Support of Plaintiffs' Motion to File Second Amended Complaint and the Affidavit of Jonathan Mutch in Support of Plaintiffs' Motion to File Second Amended Complaint.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

JOHN J. VAUGHN, GERALD A.  
KALBFLEISCH, MICHAEL HATHAWAY, and  
MYRTLE HATHAWAY,

Plaintiffs,

v.

PUTNAM INVESTMENT MANAGEMENT,  
LLC and PUTNAM RETAIL MANAGEMENT,  
LIMITED PARTNERSHIP,

Defendants.

Civil Action No. 04-10988-GAO

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE A REPLY  
MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION TO EXPAND THE  
TWENTY DEPOSITION LIMIT**

Plaintiffs respectfully move the Court, pursuant to Local Rule 7.1(B)(3), for leave to file a reply memorandum in further support of their motion to expand the twenty deposition limit set by this Court. As grounds for this Motion, Plaintiffs further state as follows:

1. On January 12, 2007, Plaintiffs filed their Motion to Expand the Twenty Deposition Limit with this Court.
2. On January 26, 2007, Defendants filed their Opposition to Plaintiffs' Motion.
3. Plaintiffs' proposed Reply Memorandum is needed to thoroughly, and concisely address the allegations, arguments and authorities Defendants raise in their Opposition.
4. Additionally, plaintiffs have met and conferred with Defendants regarding the filing of this Motion, and Defendants do not oppose the filing of this Motion.